

House Bill 722

In The House

February 11, 1981	Introduced and referred to Committee on State Administration.
February 13, 1981	Fiscal note requested.
February 18, 1981	Fiscal note returned.
February 17, 1981	Committee recommend bill do not pass.

HOUSE BILL NO. 722

INTRODUCED BY VINCENT Cole

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE AVAILABILITY OF PUBLIC FINANCING TO STATE, JUDICIAL, AND LEGISLATIVE CANDIDATES AND TO PROVIDE THAT CANDIDATES WHO ELECT TO RECEIVE PUBLIC FINANCING SHALL BE SUBJECT TO CAMPAIGN EXPENDITURE LIMITATIONS; AMENDING SECTIONS 13-37-302 THROUGH 13-37-305 AND 13-37-307, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-37-302, MCA, is amended to read:

"13-37-302. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Fund" means the election campaign fund established in 13-37-304.

(2) "~~Political~~ Major political party" is a party whose candidate for governor in the ~~test~~ next preceding general election received 5% or more of the total votes cast for that office as verified by the secretary of state.

(3) "Department" means the department of revenue provided for in Title 2, chapter 15, part 13.

(4) "Candidate" means an individual who has been nominated by a major political party for election to the a

state office of ~~governor~~ lieutenant-governor or has been nominated in the nonpartisan primary election for the office of chief justice or justice of the supreme court in this state.

(5) "~~Minor party candidate~~" means a candidate nominated by a political party that received not more than 5% of the total votes cast for governor at the next preceding general election.

(6) "~~Independent candidate~~" means a candidate who is not a minor party candidate and who is not affiliated with a major political party.

(5)(7) "Individual" means a natural person."

Section 2. Section 13-37-303, MCA, is amended to read:

"13-37-303. ~~Donation~~ Contribution to fund by taxpayer.

(1) An individual whose withheld income tax or payment of estimated tax exceeds by more than \$1 his income tax liability for the taxable year may ~~donate \$1 to be paid~~ designate whether he wishes to have \$1 from tax withheld or paid transferred to the fund. In the case of a joint return, as provided in 15-30-142, of a husband and wife having ~~an~~ whose income tax overpayment ~~as defined in 15-30-149~~ or payment of estimated tax exceeds by more than \$2 or more income tax liability, each spouse may ~~donate \$1 to be paid~~ designate individually whether he or she wishes to have \$1 transferred to the fund.

1 (2) An individual with an unpaid tax liability may at  
2 the time of payment donate an extra \$1 to be paid to the  
3 fund.

4 (3) The department shall provide a place box or, in  
5 the case of a joint return, two boxes on the face of the  
6 blank form of return, provided for in 15-30-144, where an  
7 individual or individuals may make designate the donations  
8 transfer provided for in subsections (1) and (2). The form  
9 shall adequately explain the individual's option to donate  
10 transfer \$1 to the fund and in an appropriate space  
11 corresponding to the box or boxes, the department shall  
12 provide an explanatory statement that the money designated  
13 to be transferred by the taxpayer will be issued to  
14 candidates who request funds from the public campaign fund  
15 and who agree to abide by campaign expenditure limitations."

16 Section 3. Section 13-37-304, MCA, is amended to read:

17 "13-37-304. Public campaign fund. (1) There is a  
18 public campaign fund within the earmarked revenue fund  
19 provided for in 17-2-102.

20 (2) All money designated under 13-37-303 shall be  
21 deposited in the fund.

22 (3) (a) ~~Five~~ Four months before the general election  
23 in the election year, money in the fund shall be paid over  
24 in equal amounts by the department to all eligible  
25 candidates for the designated political office according to

1 the percentages in (3)(b). The money shall be spent only for  
2 the legitimate campaign expenses expenditures of the  
3 candidates and any unspent money as of dissolution of a  
4 candidate's campaign committee must be remitted to the  
5 department.

6 (b) The money shall be distributed in the following  
7 percentages:

8 (i) campaign for ~~office~~ offices of governor-lieutenant  
9 governor, ~~50%~~ 20%;

10 (ii) campaigns for offices of chief justice and justice  
11 of the supreme court, ~~50%~~ 12% ~~equally--allocated--to--each~~  
12 ~~eligible-campaign-fund;~~

13 (iii) campaign for office of attorney general, 3%;

14 (iv) campaign for office of secretary of state, 3%;

15 (v) campaign for office of state auditor, 2%;

16 (vi) campaign for office of state superintendent of  
17 public instruction, 3%;

18 (vii) campaign for office of public service  
19 commissioner, 1.5%;

20 (viii) campaign for office of district court judge, 5%;

21 (ix) campaign for offices of state legislator, 49.5%.

22 ~~(4) Three months before the general election in a~~  
23 ~~general election year the remainder of any money in the fund~~  
24 ~~shall be remitted to the treasurer of each candidate in the~~  
25 ~~same proportion as provided in subsection (3)(b)."~~

1 (4) "Minor party" and "independent" candidates shall  
 2 receive the same amounts as major party candidates if they  
 3 present a petition bearing signatures of registered electors  
 4 equal to 15% of the total votes cast for the office in the  
 5 next preceding general election."

6 NEW SECTION. Section 4. Limits on campaign  
 7 expenditures. In the year in which an election is held for  
 8 an office sought by a candidate, no expenditures may be made  
 9 by the candidate or the principal campaign committee of that  
 10 candidate or otherwise on behalf of that candidate which  
 11 result in an aggregate amount in excess of the following  
 12 amounts:

13 (a) for governor and lieutenant governor, running  
 14 together, \$300,000;

15 (b) for chief justice or justice of the supreme court,  
 16 \$30,000;

17 (c) for attorney general, \$48,000;

18 (d) for secretary of state, \$48,000

19 (e) for state auditor, \$48,000

20 (f) for state superintendent of public instruction,  
 21 \$48,000;

22 (g) for public service commissioner, \$6,000;

23 (h) for district court judge, \$3,000; and

24 (i) for state legislator, \$3,000.

25 Section 5. Section 13-37-305, MCA, is amended to read:

1 "13-37-305. Records to be kept -- availability. (1)  
 2 The treasurer of each major political party or independent  
 3 campaign or minor party candidate campaign shall maintain a  
 4 complete record of all disbursements of funds received by  
 5 him under 13-37-304 and used for the candidate's campaign  
 6 expenses plus receipts or other evidence of each expense.

7 (2) The record shall be available for inspection by  
 8 anyone at any reasonable time. A copy shall be deposited in  
 9 the office of the secretary of state by December 31 of each  
 10 general election year."

11 Section 6. Section 13-37-307, MCA, is amended to read:

12 "13-37-307. Application to receive money ~~-- agreement~~  
 13 ~~-- cancellation -- return of money.~~ (1) All candidates who  
 14 wish to receive money from the fund must notify the  
 15 department on a form prescribed and supplied by the  
 16 department. As a condition of receiving money, candidates  
 17 must also present to the department a copy of the agreement  
 18 specified in subsection (2)(a) signed by the commissioner  
 19 provided for in 13-37-102. Acceptance of money from the fund  
 20 is voluntary.

21 (2) As a condition of receipt of any money from the  
 22 public campaign fund, a candidate shall agree by stating in  
 23 writing to the commissioner that:

24 (a) expenditures the candidate makes on his own and/or  
 25 made by his campaign or expenditures the candidate approves

1 to be made on his behalf will not exceed the expenditure  
2 limits set forth in [section 4]; and

3 (b) he will not accept contributions which in the  
4 aggregate exceed the difference between the amount that the  
5 candidate may legally expend under [section 4] and the  
6 amount he receives from the public campaign fund.

7 (3) For purposes of subsection (2), the period of  
8 agreement begins on January 1 of the election year or with  
9 the declaration for nomination under 13-10-201 or 13-14-112,  
10 or the petition for nomination under 13-10-204, whichever  
11 occurs later, and ends with the dissolution of the  
12 candidate's campaign committee.

13 (4) Any agreement entered into with the commissioner  
14 under subsection (2) shall be available for inspection by  
15 any one at any reasonable time.

16 (5) A candidate may cancel his agreement at any time  
17 until 5 days after the primary election. A candidate  
18 canceling his agreement shall so designate in a written  
19 statement to the commissioner. The cancellation statement  
20 shall be available for public inspection."

21 Section 7. Codification instruction. Section 4 is  
22 intended to be codified as an integral part of Title 13,  
23 chapter 37, part 3, and the provisions of Title 13, chapter  
24 37, part 3 apply to section 4.

-End-

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STATE OF MONTANA

REQUEST NO. 375-81

FISCAL NOTE

Form BD-15

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In compliance with a written request received February 16, 19 81, there is hereby submitted a Fiscal Note for HOUSE BILL 722 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

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DESCRIPTION

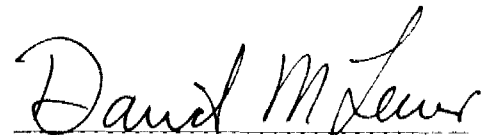
An act to provide for the availability of public financing to state, judicial and legislative candidates who elect to receive public financing shall be subject to campaign expenditure limitations.

ASSUMPTION

It is assumed that this proposal will not alter the current process of collection.

FISCAL IMPACT

Approximately \$6,000 should accrue to the Public Campaign Fund each calendar year. The Commission of Campaign Finances and Practices will require \$200 in FY83 for printing agreement forms for candidates.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-19-81

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